

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

NYP HOLDINGS, INC. D/B/A NEW YORK POST,

Plaintiff,

**ANSWER**

Case No. 07 CIV 5580

-against-

NEW YORK NEWSPAPER PRINTING PRESSMEN'S  
UNION LOCAL NO. 2 AND CHRISTOPHER  
CAPANELLI,

Defendants.

-----X

Defendant New York Newspaper Printing Pressmen's Union, Local No. 2, International Brotherhood of Teamsters ("the Union"), by its attorneys, Levy Ratner, P.C., answers Plaintiff's Complaint as follows

1. Admits the allegations contained in paragraphs numbered "1" through and including "9" and "14" through and including "17" of the Complaint and that Exhibit "A" annexed to the Complaint is a true and complete copy of an Opinion and Award of Arbitrator Barbara Zausner concerning the dispute over Plaintiff's discharge of defendant Christopher Capanelli (referred to here as the "Arbitrator's Award").

2. Denies the allegations contained in paragraphs numbered "10" through and including "13" of the Complaint to the extent that they are inconsistent with the factual findings of Arbitrator's Award which are final and binding under the collective bargaining agreement between Plaintiff and the Union and respectfully refer the Court to the Arbitrator's Award for her findings concerning the allegations.

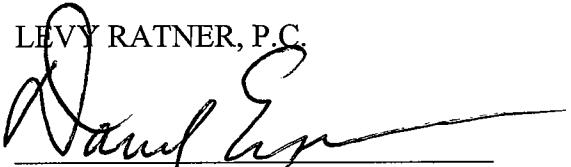
**AFFIRMATIVE DEFENSE**

3. The Arbitrator's Award directed that Plaintiff reinstate Christopher Capanelli and make him whole for the time he was out of work. The Post reinstated Christopher Capanelli. Thereafter Plaintiff and the Union, with the consent of Christopher Capanelli, reached a settlement as to the monies due under the Arbitrator's Award.

4. As the Arbitrator's Award is final and binding, and any dispute over implementing the award has been resolved, the only relief to which the Union is a party in this litigation is the entry of judgment confirming that Award.

WHEREAS, other than for purposes of entering judgment confirming the Arbitrator's Award based upon the pleadings, the Complaint, as it relates to the Union, should be dismissed.

Dated: June 29, 2007  
New York, New York

LEVY RATNER, P.C.  
  
By: Daniel Engelstein (DE2499)  
Attorneys for the Union  
80 Eighth Avenue  
New York, New York 10011  
(212) 627-8100  
(212) 627-8182 (fax)

TO: Hogan & Hartson, LLP  
875 Third Avenue  
New York, NY 10022

Christopher Capanelli  
20 Coconut Drive  
Commack, NY 11725

07 CIV 5580

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NYP HOLDINGS, INC. D/B/A NEW YORK  
POST,

Plaintiff,

-against-

NEW YORK NEWSPAPER PRINTING  
PRESSMEN'S UNION LOCAL NO. 2 AND  
CHRISTOPHER CAPANELLI,

Defendants.

**ANSWER**

**LEVY RATNER, P.C.**

*Attorneys for New York Newspaper Printing  
Pressmen's Union Local No. 2  
80 Eighth Avenue, 8<sup>th</sup> Floor  
New York, N.Y. 10011-5126  
(212) 627-8100*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 20. .*

*.....Esq.*

*Attorney for .....*